

REMARKS

Reconsideration of the above-identified application in view of these remarks is respectfully requested. Claims 1-20 stand rejected under 35 U.S.C. §112, second paragraph and also under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,150,662 to Hug et al.

The Office Action

The Section §112 Rejections

The Examiner states that **claims 1,7,12 and 17-20** are unclear for two reasons. First, as to whether the plurality of objects are separate objects, i.e. 2 patients or a plurality of objects within one patient. Applicant suggests that the claims satisfy §112, second paragraph upon reading the detailed description. Specifically, on page 4 line 1, the object 118 is described as a patient placed on a hospital gurney. This understanding is also supported upon reading this claim element in context with the remaining claim elements upon considering the remarks below.

The second reason is whether (i) different imaging modes are being read simultaneously, or (ii) a plurality of objects (patients) are being read simultaneously. The Examiner states that upon reading the specification she assumes that imaging two patients simultaneously is the only intended meaning of the claims. Applicant respectfully suggests that the Examiner's careful reading of the detailed description did result in the Examiner correctly understanding that the clinical application of present invention includes both capabilities as she mentioned in the Office Action. These two arrangements are not mutually exclusive such that the claims are unclear. It appears to applicant's representative that from the Examiner's statements in the Office Action the intent of the claims to cover both clinical situations is, in fact, clear.

More specifically, as one example in **claim 1**, which recites in part,

controlling the operation of the plurality of detectors in a plurality of modes, a first mode being that the plurality of detectors acquires image data of a first object. This is a two or more detector scan as described on page 4, lines 6-8. Claim 1 further recites a second mode being that the plurality of detectors acquires image data of a plurality of objects simultaneously. This claim element is for a plurality of detectors and is not necessarily limited to only one detector to a single patient. It is respectfully suggested that the first mode can use a plurality of detectors, e.g. 2 or more, for a first patient and the second mode can use a plurality of detectors, 2 or more, for both a first patient and a second patient.

For example, in the second mode, the first patient may have a 2 or 3 detector scan and the second patient may have a single detector scan. In another example of an apparatus according to principles of the present invention, as indicated in the examples described in the detailed description, each patient may have a single detector scan. Referring to Figure 7, an imaging suite includes three detectors and three patient couches. This scanner arrangement supports the embodiment within the present scope of the claims of a 2 detector scan of one patient simultaneously with a single detector scan of another patient using the same controller. This use of plurality of detectors greater than three is also mentioned on page 4 lines 19-21.

In another example, **Claim 7** recites, in part, that the in second mode the first detector and the second detector acquire image data from a plurality of objects. There is no limitation stated in the claim indicating that a third detector could not be used in combination with either the first or second detector. The rest of the independent claims in the present application are likewise not limited to the one detector per patient (object) example described in the detailed description.

As such, it is respectfully suggested that, given the Examiner's recognition of these two features of the claimed invention, the meaning of the claims is clear upon reading the specification and that claims 1-20 satisfy the requirements of §112, second paragraph. Withdrawal of the rejections is respectfully requested.

The Section §103 Rejections

Regarding **claims 1, 7, 12, and 17-20**, applicant respectfully suggests that Hug does not teach, suggest or disclose acquiring image data from more than one object. The disclosure illustrates multi detector imaging of one patient (col 3, lines 5-12). Hug describes the vast flexibility of the unique gantry and detector arm system to position the detectors for a wide variety of nuclear studies (col 5, lines 43-48). In spite of the substantial description of the various imaging studies that can be performed using the gantry of Hug versus a standard ring mounted gantry, no mention is made of the features of the presently claimed invention with respect to simultaneous imaging of two patients (objects). As such, there is no teaching, suggestion, or disclosure of imaging multiple objects simultaneously.

The Examiner also indicates in the Office Action that the unused detector **could viably** (emphasis added) be used for another patient who needs a single detector. "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggests the desirability of the modification." *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992). The Examiner recognizes in the Office Action that Hug does not explicitly state that the unused detector can be used for another patient. As such, Hug is missing the necessary suggestion to support an obviousness rejection. In addition, in the present invention, there is simply not a duplication of parts as disclosed in Hug. The controller of the presently claimed invention that is capable of the multi-mode and multi-object operation is not disclosed or suggested in Hug. As such, there is no teaching, suggestion or disclosure for the modification suggested by the Examiner and withdrawal of the rejections and allowance of all of the independent claims is respectfully requested.

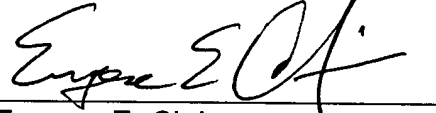
The dependent claims all depend from allowable independent claims and they are allowable for at least the same reasons the independent claims are allowable. Withdrawal of the rejections and allowance of the respective dependent claims is sincerely solicited. If the Examiner has any questions

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regarding the present application, applicants representative would appreciate the opportunity to further discuss the application.

In view of the foregoing, it is respectfully submitted that claims 1-20 distinguish patentably and unobviously over the prior art of record and that the application is in condition for allowance. Accordingly, allowance of the application is respectfully requested. Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 14-1270.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eugene E. Clair", written over a horizontal line.

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Enclosures